

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	
	:	Hon. Joseph H. Rodriguez
	:	Civil Action No. 09-4710
v.	:	Criminal No. 05-721
	:	
JAMES A. RUSSELL,	:	
	:	
	:	

**ORDER**

This matter having come before the Court on an application by James A. Russell, pursuant to 28 U.S.C. § 2255, and the Court having considered the submissions of the parties, without an evidentiary hearing, and for the reasons set forth in the Opinion of even date,

IT IS on this 15<sup>th</sup> day of November, 2010 hereby

ORDERED that Petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is denied; and it is further

ORDERED that, in light of the failure of Petitioner to demonstrate the denial of a constitutionally protected right and pursuant to 28 U.S.C. § 2253(c), no certificate of appealability shall issue.

/s/ Joseph H. Rodriguez  
Hon. Joseph H. Rodriguez,  
UNITED STATES DISTRICT JUDGE